

# Judicial Branch

Analyst: Castro

## Historical Summary

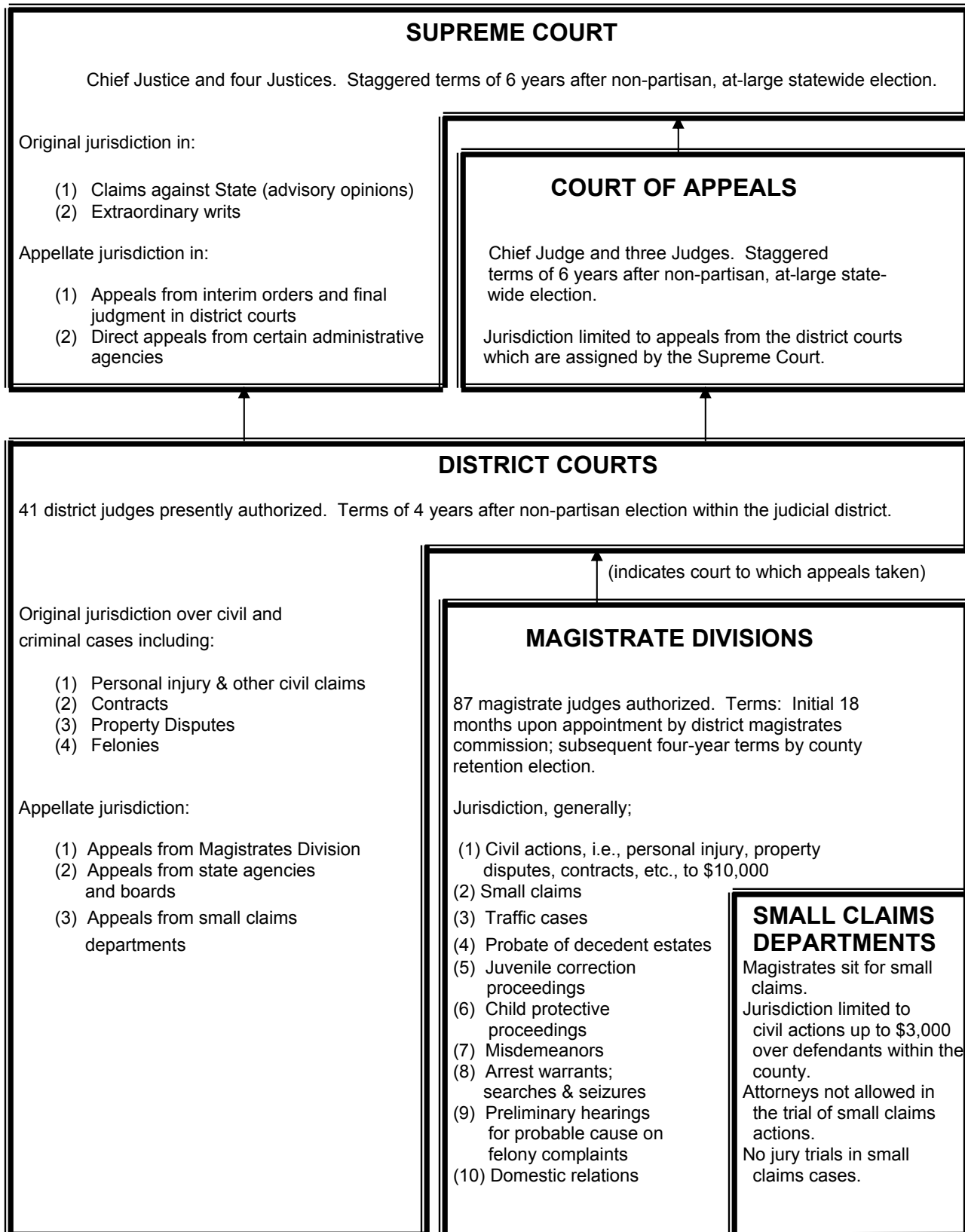
OPERATING BUDGET	FY 2008 Total App	FY 2008 Actual	FY 2009 Approp	FY 2010 Request	FY 2010 Gov Rec
<b>BY PROGRAM</b>					
Supreme Court	6,017,400	5,161,700	6,461,500	6,724,600	6,528,400
Law Library	522,800	528,300	536,300	455,100	445,100
District Courts	16,314,800	15,650,600	17,637,500	17,058,100	16,617,600
Magistrates Division	14,534,400	14,698,200	15,048,700	15,978,500	15,191,000
Judicial Council	113,400	113,400	113,400	128,500	128,500
Court of Appeals	1,244,200	1,286,500	1,846,700	1,765,500	1,705,900
Guardian Ad Litem Account	663,100	662,700	679,100	664,100	664,100
Snake River Basin Adjudication	942,400	854,300	935,900	966,800	935,400
<b>Total:</b>	<b>40,352,500</b>	<b>38,955,700</b>	<b>43,259,100</b>	<b>43,741,200</b>	<b>42,216,000</b>
<b>BY FUND CATEGORY</b>					
General	30,184,300	30,183,800	31,862,500	33,138,000	31,698,200
Dedicated	8,632,100	8,029,700	9,854,000	9,051,400	8,976,100
Federal	1,536,100	742,200	1,542,600	1,551,800	1,541,700
<b>Total:</b>	<b>40,352,500</b>	<b>38,955,700</b>	<b>43,259,100</b>	<b>43,741,200</b>	<b>42,216,000</b>
Percent Change:		(3.5%)	11.0%	1.1%	(2.4%)
<b>BY OBJECT OF EXPENDITURE</b>					
Personnel Costs	27,334,100	27,075,500	0	30,753,400	29,435,800
Operating Expenditures	10,806,400	10,235,400	0	10,937,700	10,773,300
Capital Outlay	1,372,300	807,600	0	1,156,200	1,156,200
Trustee/Benefit	839,700	837,200	0	893,900	850,700
Lump Sum	0	0	43,259,100	0	0
<b>Total:</b>	<b>40,352,500</b>	<b>38,955,700</b>	<b>43,259,100</b>	<b>43,741,200</b>	<b>42,216,000</b>
Full-Time Positions (FTP)	261.00	261.00	269.00	271.00	271.00

## Department Description

The Judicial Branch is made up of the following programs:

- 1) The Supreme Court of Idaho is the state's court of last resort. The Court hears appeals from final decisions of the District Court, as well as from orders of the PUC and the Industrial Commission.
- 2) The Law Library is the state repository for official publications received from other states and the federal government.
- 3) The District Courts have original jurisdiction over all civil and criminal cases, and appeals from the Magistrate Division, state agencies and boards.
- 4) The Magistrate Division has jurisdiction over cases involving domestic violence, domestic relations, juvenile cases, and civil cases under \$10,000, felony preliminary hearings, criminal misdemeanors, and infractions.
- 5) The Idaho Judicial Council is empowered by statute to nominate persons to the Governor for appointment to vacancies on the Supreme Court, Court of Appeals, and District Courts and make recommendations to the Supreme Court for the removal, discipline and retirement of judicial officers.
- 6) The Court of Appeals provides another court to share the appellate caseload with the Idaho Supreme Court. The court has jurisdiction to hear and decide all cases assigned to it by the Supreme Court; except cases invoking the Supreme Court's original jurisdiction, appeals from the Industrial Commission, PUC, and death penalty cases.
- 7) Guardian Ad Litem grants are awarded to Court Appointed Special Advocate (CASA) programs to recruit, train and coordinate volunteers to act as court appointed special advocates for abused, neglected or abandoned children under the Child Protective Act.
- 8) The Snake River Basin Adjudication is a court process established to inventory all surface and ground water rights in the Snake River drainage.

**IDAHO'S INTEGRATED COURT STRUCTURE**



# Judicial Branch

## Agency Profile

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### Sources of Funds

	<u>Percent of Total</u>	<u>FY 2008 Actuals</u>	<u>FY 2009 Estimate</u>	<u>FY 2010 Request</u>
<b>1. General Fund (0001-00)</b>	<b>78%</b>	<b>30,183,800</b>	<b>31,862,500</b>	<b>33,138,000</b>
General Fund: Derived from individual and corporate income tax, sales tax, cigarette tax, beer and wine tax, liquor surcharge, kilowatt hour tax, and other miscellaneous taxes. Used for personnel, operating and capital outlay.				
<b>2. Guardian Ad Litem (0239-00)</b>	<b>0%</b>	<b>13,600</b>	<b>30,000</b>	<b>15,000</b>
This fund consists of moneys transferred from the state General Fund, contributions, and interest earnings. All moneys are distributed to guardian ad litem programs within the judicial districts in the state and to pay the administrative expenses of a grant administrator selected by the Supreme Court. A guardian ad litem program is designed to recruit, train and coordinate volunteer persons to serve as guardians ad litem for abused, neglected or abandoned children.				
<b>3. ISTARS Technology (0314-00)</b>	<b>9%</b>	<b>3,367,700</b>	<b>3,374,600</b>	<b>3,381,500</b>
Funding comes from a five dollar fee on all criminal and infraction offenses, and five dollars of the filing fee and appearance fee in civil cases. Subject to appropriation, these moneys in this fund are used to support and maintain the Trial Court Automated Records System (ISTARS) technology program. ISTARS is the statewide automation of court records, information, and operations to manage judicial caseloads and timely transmission of court information to law enforcement, transportation and fish and game.				
<b>4. Drug/MH/Family Court Services (0340-00)</b>	<b>8%</b>	<b>3,518,400</b>	<b>4,624,500</b>	<b>4,550,000</b>
Funded from a 2% surcharge from the sale of liquor. These funds are subject to appropriation and are used by the Supreme Court for the operation of drug courts and to assist children and families in the courts.				
<b>5. Guardianship Pilot Project (0341-00)</b>	<b>0%</b>	<b>53,800</b>	<b>276,400</b>	<b>276,400</b>
Pilot project established to help design and improve the reporting and monitoring system for guardianships and conservator ships with funding coming from additional filing and reporting fees.				
<b>6. Senior Magistrate Judges (0347-00)</b>	<b>1%</b>	<b>510,000</b>	<b>510,000</b>	<b>510,000</b>
Enables the Supreme Court to purchase membership service in the Public Employee Retirement System for certain retiring magistrate judges. To capitalize this fund, civil filing fees were increased by six dollars.				
<b>7. Millennium Income (0499-00)</b>	<b>1%</b>	<b>420,000</b>	<b>420,000</b>	<b>318,500</b>
Consists of distributions from the Idaho Millennium Fund to support youth courts and status offender services.				
<b>8. Miscellaneous Revenue (0349-00)</b>	<b>0%</b>	<b>146,200</b>	<b>618,500</b>	<b>0</b>
Receipts from sales of publications and computer aided legal research.				
<b>9. Federal Grants (0348-00)</b>	<b>3%</b>	<b>742,200</b>	<b>1,542,600</b>	<b>1,551,800</b>
Funding from federal agencies to support drug courts, drug court evaluations, among other things.				
<b>Total</b>	<b>100%</b>	<b>38,955,700</b>	<b>43,259,100</b>	<b>43,741,200</b>

# Judicial Branch

## Agency Profile

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### Selected Measures

	<u>CY 2004</u>	<u>CY 2005</u>	<u>CY 2006</u>	<u>CY 2007</u>
<b>1. Supreme Court</b>				
Average no. of days to decide civil appeals.	545	560	568	565
Ave. no. of days to decide criminal appeals.	654	570	437	543
Average no. of days to decide agency appeals.	553	494	417	491
Average number of days for all appeals.	569	554	538	556
Appeals added/transferred.	427	385	349	365
Appeals disposed of.	395	390	345	375
Appeals pending at year-end in Supreme Court.	138	128	132	124
Appeals pending at year-end in Court of Appeals.	171	240	135	129
Appeals pending at year-end in unassigned appeals.	692	786	909	909
Total appeals pending at year-end.	1,001	1,154	1,176	1,162
<b>2. District Courts</b>				
Number of cases filed in District 1.	3,767	4,153	4,393	4,253
Number of cases filed in District 2.	1,196	1,186	1,146	1,045
Number of cases filed in District 3.	3,346	3,472	3,633	3,619
Number of cases filed in District 4.	5,238	5,150	5,254	5,298
Number of cases filed in District 5.	2,554	2,341	2,342	2,250
Number of cases filed in District 6.	1,782	1,766	1,589	1,248
Number of cases filed in District 7.	2,475	2,615	2,635	2,620
Total cases filed.	20,358	20,683	20,992	20,333
Number of cases disposed.	22,131	22,515	21,977	21,444
<b>3. Magistrates Division</b>				
Number of cases filed in District 1.	64,227	59,697	63,039	67,297
Number of cases filed in District 2.	29,805	28,925	30,148	27,834
Number of cases filed in District 3.	61,550	70,788	67,676	67,489
Number of cases filed in District 4.	144,671	134,450	143,536	150,803
Number of cases filed in District 5.	50,961	50,395	54,313	54,192
Number of cases filed in District 6.	38,013	39,188	43,280	40,615
Number of cases filed in District 7.	69,886	69,427	69,486	73,619
Total cases filed.	458,843	452,870	417,478	481,849
Number of cases disposed.	508,910	502,159	491,519	496,335
<b>4. Court of Appeals</b>				
Civil appeals filed.	34	31	23	27
Criminal appeals filed.	517	546	505	545
Total Number of Appeals.	551	577	528	572
Cases disposed.	552	512	633	564
Total cases pending at year-end.	171	240	135	141

# Judicial Branch

## Comparative Summary

Analyst: Castro

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
<b>FY 2009 Original Appropriation</b>	<b>269.00</b>	<b>31,862,500</b>	<b>43,259,100</b>	<b>269.00</b>	<b>31,862,500</b>	<b>43,259,100</b>
Omnibus Rescission	0.00	0	0	0.00	(1,267,700)	(1,267,700)
Health Insurance Reduction	0.00	0	0	0.00	(130,000)	(134,500)
Other Appropriation Adjustments	0.00	0	0	0.00	0	0
<b>FY 2009 Total Appropriation</b>	<b>269.00</b>	<b>31,862,500</b>	<b>43,259,100</b>	<b>269.00</b>	<b>30,464,800</b>	<b>41,856,900</b>
Noncognizable Funds and Transfers	0.00	0	0	0.00	0	0
<b>FY 2009 Estimated Expenditures</b>	<b>269.00</b>	<b>31,862,500</b>	<b>43,259,100</b>	<b>269.00</b>	<b>30,464,800</b>	<b>41,856,900</b>
Removal of One-Time Expenditures	0.00	(170,700)	(1,220,700)	0.00	(170,700)	(1,220,700)
Base Adjustments	2.00	0	0	2.00	0	0
Additional Base Adjustment	0.00	0	0	0.00	1,267,700	1,267,700
<b>FY 2010 Base</b>	<b>271.00</b>	<b>31,691,800</b>	<b>42,038,400</b>	<b>271.00</b>	<b>31,561,800</b>	<b>41,903,900</b>
Benefit Costs	0.00	215,300	225,400	0.00	85,300	90,900
Inflationary Adjustments	0.00	118,600	177,500	0.00	27,500	32,100
Statewide Cost Allocation	0.00	23,600	23,600	0.00	23,600	23,600
Change in Employee Compensation	0.00	265,300	287,400	0.00	0	0
<b>FY 2010 Program Maintenance</b>	<b>271.00</b>	<b>32,314,600</b>	<b>42,752,300</b>	<b>271.00</b>	<b>31,698,200</b>	<b>42,050,500</b>
1. Senior Judge Days	0.00	269,400	269,400	0.00	0	0
2. Dedicated Fund Spending Authority	0.00	0	150,500	0.00	0	150,500
3. GAL Spending Authority	0.00	0	15,000	0.00	0	15,000
4. Judge's 3% Salary Increase	0.00	554,000	554,000	0.00	0	0
Lump Sum or Other Adjustments	0.00	0	0	0.00	0	0
<b>FY 2010 Total</b>	<b>271.00</b>	<b>33,138,000</b>	<b>43,741,200</b>	<b>271.00</b>	<b>31,698,200</b>	<b>42,216,000</b>
Change from Original Appropriation	2.00	1,275,500	482,100	2.00	(164,300)	(1,043,100)
% Change from Original Appropriation		4.0%	1.1%		(0.5%)	(2.4%)

# Judicial Branch

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>FY 2009 Original Appropriation</b>	269.00	31,862,500	9,854,000	1,542,600	43,259,100
<b>Omnibus Rescission</b>					
Agency Request	0.00	0	0	0	0
<i>General Fund holdbacks, as directed by Executive Orders 2008-3, and 2008-5, are incorporated as a rescission that reduces the General Fund by 4% for FY 2009.</i>					
Governor's Recommendation	0.00	(1,267,700)	0	0	(1,267,700)
<b>Health Insurance Reduction</b>					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends reducing the funding for health insurance by \$500 per FTP, using reserves to offset the increased costs of health insurance for the state for FY 2009 and FY 2010.</i>					
Governor's Recommendation	0.00	(130,000)	(2,000)	(2,500)	(134,500)
<b>Other Appropriation Adjustments</b>					
<i>Reflects lump sum allocation.</i>					
Agency Request	0.00	0	0	0	0
<i>Consolidates rescissions to lump sum reduction.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>FY 2009 Total Appropriation</b>					
Agency Request	269.00	31,862,500	9,854,000	1,542,600	43,259,100
Governor's Recommendation	269.00	30,464,800	9,852,000	1,540,100	41,856,900
<b>Noncognizable Funds and Transfers</b>					
Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0
<b>FY 2009 Estimated Expenditures</b>					
Agency Request	269.00	31,862,500	9,854,000	1,542,600	43,259,100
Governor's Recommendation	269.00	30,464,800	9,852,000	1,540,100	41,856,900
<b>Removal of One-Time Expenditures</b>					
Agency Request	0.00	(170,700)	(1,050,000)	0	(1,220,700)
Governor's Recommendation	0.00	(170,700)	(1,050,000)	0	(1,220,700)
<b>Base Adjustments</b>					
<i>The net FTP increase for the Judicial Branch is two positions, a human resource manager and an additional legal counsel. The positions were funded by shifting drug court administration costs to the Drug, Mental Health &amp; Family Court Services Fund and using the General Fund monies to pay for the new positions. The Judicial Branch has lump sum spending authority and does not have a statutorily set FTP cap.</i>					
Agency Request	2.00	0	0	0	0
Governor's Recommendation	2.00	0	0	0	0
<b>Additional Base Adjustment</b>					
Agency Request	0.00	0	0	0	0
<i>For the Legislative and Judicial Branches, the Governor restores the 4% rescission recommended for FY 2009. The Governor does not recommend any additional base adjustments for the other two branches of government.</i>					
Governor's Recommendation	0.00	1,267,700	0	0	1,267,700
<b>FY 2010 Base</b>					
Agency Request	271.00	31,691,800	8,804,000	1,542,600	42,038,400
Governor's Recommendation	271.00	31,561,800	8,802,000	1,540,100	41,903,900

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>Benefit Costs</b>					
Provides \$900 per position, which equates to a 10.4% increase for employer-paid health insurance. Also, includes a 19% reduction in life and disability insurance rates from 1.1% to 0.9% of salary for eligible employees.					
Agency Request	0.00	215,300	6,000	4,100	225,400
<i>The Governor recommends providing an increase of \$400 per FTP and making changes to the health insurance benefits contract to meet expected costs. Including the rescission to reduce health insurance benefit costs in FY 2009 by \$500 per FTP, employer costs per FTP for FY 2010 will be \$8,600.</i>					
Governor's Recommendation	0.00	85,300	4,000	1,600	90,900

## Inflationary Adjustments

Inflationary increases are calculated using the ongoing base for operating expenditures and trustee & benefit payments multiplied by an agency-specific inflation factor. The inflationary adjustment reflects a 0.3% increase in the General Fund and a 0.4% increase in total funds. The requested amount includes \$95,700 for general inflation; and \$81,800 for contract inflation. The courts contract inflation request is mostly due to a 3% contract increase for independent contractors. The only exceptions are an 8% increase in the Thompson West Subscriptions costs for the Law Library budgeted program, and an 18% increase in the Naylor & Hales contract for the Judicial Council budgeted program.

Analyst Comment: The Naylor & Hales contract has remained flat since 2005 at \$84,000.

Agency Request	0.00	118,600	58,900	0	177,500
<i>The Governor recommends \$12,400 in contract inflation for the Law Library, \$4,600 in dedicated funds for the District Courts travel and fuels costs, and \$15,100 in contract inflation for the Judicial Council.</i>					
Governor's Recommendation	0.00	27,500	4,600	0	32,100

## Statewide Cost Allocation

The request includes adjustments to recover the costs of services provided to state agencies: \$4,100 for property and casualty insurance premiums; \$15,300 for State Controller fees; and \$4,200 for State Treasurer fees.

Agency Request	0.00	23,600	0	0	23,600
Governor's Recommendation	0.00	23,600	0	0	23,600

## Change in Employee Compensation

Agencies were instructed to calculate a 3% salary increase in the appropriation request. This request reflects \$287,370 for administrative staff salary only.

Agency Request	0.00	265,300	17,000	5,100	287,400
<i>While increasing salaries of state workers continues to be a priority for the Governor, the current economic situation does not provide the funds to recommend an increase in FY 2010. When economic conditions improve, the Governor will once again seek to improve compensation for all state employees.</i>					
Governor's Recommendation	0.00	0	0	0	0

## FY 2010 Program Maintenance

Agency Request	271.00	32,314,600	8,885,900	1,551,800	42,752,300
Governor's Recommendation	271.00	31,698,200	8,810,600	1,541,700	42,050,500

### 1. Senior Judge Days

### Magistrates Division

The Judicial Branch is requesting 550 senior judge days at a cost of \$269,460 to cover workload within the Idaho Supreme Court's time standards. The request is broken down as follows: \$207,200 for personnel costs; \$40,600 for operating expenditures, and \$21,600 for trustee & benefit payments.

Senior judges are defined in Section 1-2221 and 1-2005, Idaho Code. A senior judge is a retired judge who has applied to the Supreme Court to be a designated senior judge. The Supreme Court utilizes senior judge days to cover workload increases, court case backlogs, and leave schedules. A senior judge is paid 85% of the daily salary of an active judge. [Ongoing]

Agency Request	0.00	269,400	0	0	269,400
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0



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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>2. Dedicated Fund Spending Authority</b>					<b>District Courts</b>
The Judicial Branch is requesting \$150,500 in Drug, Mental, and Family Court Services Fund spending authority to be used to increase the district coordinators for Drug and Mental Health Courts. The following outlines the expected distribution of additional coordinators: District 2 would receive a half-time coordinator, Districts 4 and 5 would receive a three-quarter time coordinator, and District 7 would receive an additional full-time coordinator for a total of three new coordinators. [Ongoing]					
Agency Request	0.00	0	150,500	0	150,500
Governor's Recommendation	0.00	0	150,500	0	150,500
<b>3. GAL Spending Authority</b>					<b>Guardian Ad Litem Account</b>
The court is requesting spending authority to spend the interest collected in the Guardian Ad Litem fund for FY 2010.					
Agency Request	0.00	0	15,000	0	15,000
Governor's Recommendation	0.00	0	15,000	0	15,000
<b>4. Judge's 3% Salary Increase</b>					
Agency Request	0.00	554,000	0	0	554,000
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>Lump Sum or Other Adjustments</b>					
The agency requests an appropriation that is not subject to state budget laws that restrict the transfer of money between personnel costs, operating expenditures, capital outlay, or trustee & benefit payments. Lump sum authority requires legislative approval.					
Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0
<b>FY 2010 Total</b>					
Agency Request	271.00	33,138,000	9,051,400	1,551,800	43,741,200
Governor's Recommendation	271.00	31,698,200	8,976,100	1,541,700	42,216,000
Agency Request					
Change from Original App	2.00	1,275,500	(802,600)	9,200	482,100
% Change from Original App	0.7%	4.0%	(8.1%)	0.6%	1.1%
Governor's Recommendation					
Change from Original App	2.00	(164,300)	(877,900)	(900)	(1,043,100)
% Change from Original App	0.7%	(0.5%)	(8.9%)	(0.1%)	(2.4%)